

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BMW of North American, LLC and
Bayerische Motoren Werke AG,

Court File No: 10-CV-02755 JNE/FLN

Plaintiffs,

JURY TRIAL DEMANDED

v.

ANSWER

Hessam Namjoo aka Hossein Namjoo
dba "Motor Direct",

Defendants.

Defendant Hessam Namjoo ("Defendant"), by and through his attorneys, answers Plaintiffs BMW of North America, LLC and Bayerische Motoren Werke AG's ("Plaintiffs") complaint dated June 29, 2010 (the "Complaint") as follows:

ANSWER

Defendant denies the allegations contained in the introductory paragraph of Plaintiffs' Complaint and states that he is not a proper party defendant to this case as the correct defendant, if any, is a corporate entity named InCarParts, Inc.

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1.
2. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2.
3. Defendant denies the allegations contained in paragraph 3.

4. Paragraph 4 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations in paragraph 4.

5. Defendant denies the allegations contained in paragraph 5 except admits that he resides in Minnesota.

6. Paragraph 6 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations in paragraph 6.

7. Defendant denies the allegations contained in paragraph 7 except admits that he resides in Minnesota.

8. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8.

9. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9.

10. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10.

11. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11.

12. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12.

13. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13.

14. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14.

15. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15.

16. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16.

17. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17.

18. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18.

19. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19.

20. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20.

21. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21.

22. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22.

23. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23.

24. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24.

25. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25.

26. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26.

27. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27.

28. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28.

29. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29.

30. Defendant denies the allegations contained in paragraph 30.

31. Defendant denies the allegations contained in paragraph 31.

32. Defendant denies the allegations contained in paragraph 32.

33. Defendant denies the allegations contained in paragraph 33.

34. Defendant denies the allegations contained in paragraph 34.

35. Defendant denies the allegations contained in paragraph 35.

36. Defendant denies the allegations contained in paragraph 36.

37. Defendant denies the allegations contained in paragraph 37.

38. Defendant denies the allegations contained in paragraph 38.

39. Defendant denies the allegations contained in paragraph 39.

40. Defendant denies the allegations contained in paragraph 40.

41. Defendant denies the allegations contained in paragraph 41.

42. Defendant denies the allegations contained in paragraph 42.

43. Defendant denies the allegations contained in paragraph 43.

44. Defendant denies the allegations contained in paragraph 44.

45. Defendant denies the allegations contained in paragraph 45.

46. Defendant denies the allegations contained in paragraph 46.

47. Defendant denies the allegations contained in paragraph 47.

48. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 47 as if fully set forth herein.

49. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49.

50. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 50.

51. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 51.

52. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 52.

53. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 53.

54. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 54.

55. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 55.

56. Paragraph 56 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 56.

57. Paragraph 57 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 57.

58. Paragraph 58 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 58.

59. Defendant denies the allegations contained in paragraph 59.

60. Defendant denies the allegations contained in paragraph 60.

61. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 60 as if fully set forth herein.

62. Paragraph 62 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 62.

63. Paragraph 63 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 63.

64. Paragraph 64 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 64.

65. Defendant denies the allegations contained in paragraph 65.

66. Defendant denies the allegations contained in paragraph 66.

67. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 66 as if fully set forth herein.

68. Defendant denies the allegations contained in paragraph 68.

69. Defendant denies the allegations contained in paragraph 69.

70. Defendant denies the allegations contained in paragraph 70.

71. Paragraph 71 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 71.

72. Defendant denies the allegations contained in paragraph 72.

73. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 72 as if fully set forth herein.

74. Paragraph 74 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 74.

75. Defendant denies the allegations contained in paragraph 75.

76. Defendant denies the allegations contained in paragraph 76.

77. Defendant denies the allegations contained in paragraph 77.

78. Defendant denies the allegations contained in paragraph 78.

79. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 78 as if fully set forth herein.

80. Paragraph 80 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 80.

81. Defendant denies the allegations contained in paragraph 81.

82. Defendant denies the allegations contained in paragraph 82.

83. Paragraph 83 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 83.

84. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 83 as if fully set forth herein.

85. Paragraph 85 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 85.

86. Defendant denies the allegations contained in paragraph 86.

87. Defendant denies the allegations contained in paragraph 87.

88. Paragraph 88 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 88.

89. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 88 as if fully set forth herein.

90. Paragraph 90 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 90.

91. Defendant denies the allegations contained in paragraph 91.

92. Defendant denies the allegations contained in paragraph 92.

93. Paragraph 93 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 93.

94. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 93 as if fully set forth herein.

95. Paragraph 95 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 95.

96. Defendant denies the allegations contained in paragraph 96.

97. Defendant denies the allegations contained in paragraph 97.

98. Paragraph 98 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 98.

99. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 98 as if fully set forth herein.

100. Paragraph 100 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 100.

101. Defendant denies the allegations contained in paragraph 101.

102. Defendant denies the allegations contained in paragraph 102.

103. Paragraph 103 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 103.

104. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 103 as if fully set forth herein.

105. Paragraph 105 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 105.

106. Defendant denies the allegations contained in paragraph 106.

107. Defendant denies the allegations contained in paragraph 107.

108. Paragraph 108 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 108.

109. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 108 as if fully set forth herein.

110. Paragraph 110 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 110.

111. Defendant denies the allegations contained in paragraph 111.

112. Defendant denies the allegations contained in paragraph 112.

113. Paragraph 113 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 113.

114. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 113 as if fully set forth herein.

115. Paragraph 115 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 115.

116. Defendant denies the allegations contained in paragraph 116.

117. Defendant denies the allegations contained in paragraph 117

118. Paragraph 118 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 118.

119. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 118 as if fully set forth herein.

120. Paragraph 120 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 120.

121. Defendant denies the allegations contained in paragraph 121.

122. Defendant denies the allegations contained in paragraph 122.

123. Paragraph 123 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 123.

124. Defendant incorporates by reference his answers to the allegations set forth in paragraphs 1 through 123 as if fully set forth herein.

125. Paragraph 125 sets forth a conclusion of law to which no response is required. To the extent a response is required, Defendant denies the allegations of paragraph 125.

126. Defendant denies the allegations contained in paragraph 126.

127. Defendant denies the allegations contained in paragraph 127.

128. Defendant denies the allegations contained in paragraph 128.

AFFIRMATIVE DEFENSES

Defendant may rely upon the following affirmative defenses, if supported by the facts ascertained through discovery or investigation. By asserting these affirmative defenses, Defendant assumes no burden of proof that Plaintiffs may otherwise have.

1. Defendant has no individual liability or liability as a shareholder to Plaintiffs.

2. The Complaint and each purported cause of action set forth in the Complaint fail to state a claim upon which relief may be granted.

3. Plaintiffs' claims are barred in whole or in part by the doctrine of waiver, laches, or estoppel.

4. All Plaintiffs' claims are barred in whole or in part by the statutes of limitations.

5. To the extent that Plaintiffs claim that they have been injured or damaged by Defendant, which Defendant expressly denies, Plaintiffs' claims are barred in whole or in part under the fair use doctrine or otherwise.

6. To the extent that Plaintiffs claim that they have been injured or damaged by Defendant, which Defendant expressly denies, Plaintiffs' claims are barred in whole or in part by their failure to mitigate, minimize or avoid their damages, if any.

7. To the extent that Plaintiffs claim that they have been injured or damaged by Defendant, which Defendant expressly denies, any recovery is barred, or must be reduced, under the doctrine of avoidable consequences.

RELIEF REQUESTED

WHEREFORE, Defendant prays that Plaintiffs' Complaint be dismissed, that judgment be entered in favor of Defendant, that Defendant be granted its costs, including attorneys' fees, and for all other relief deemed to be just and proper.

Respectfully submitted,

Dated: September 15, 2010

FARICY LAW FIRM, P.A.

By: s/Vadim Trifel
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